

**REMARKS**

The Examiner indicated that claims 32-41 and 43-50 are allowed . Applicants gratefully acknowledge the Examiner's indication of allowed subject matter.

The Examiner rejected claims 31 and 42 under 35 U.S.C. § 102(b) as allegedly being anticipated by Lee (U.S. Pat. No. 6,090,698).

Applicants respectfully traverse the § 102 rejections with the following arguments.

**35 U.S.C. § 102(b)**

The Examiner rejected claims 31 and 42 under 35 U.S.C. § 102(b) as allegedly being anticipated by Lee (U.S. Pat. No. 6,090,698).

The Examiner provided the following reasons for allowance of claims 32-41 and 43-50: "The prior art of record does not teach or suggest, either singularly or in combination, at least a first wiring level comprising alternating layers of first and second dielectric material, a dielectric liner conformally deposited on bottom walls and sidewalls of first and second trenches and wherein the first and second air gaps within a first layered structure in each layer of first dielectric material are respectively bounded by the dielectric liner on the sidewall of the first and second trenches."

Applicants have amended claim 31 so as to include all of the features stated in the aforementioned reasons for allowance of claims 32-41 and 43-50 provided by the Examiner. In particular, claim 31 recites the following features not taught by Lee: "a substrate; a first wiring level on a top surface of the substrate, said first wiring level comprising alternating layers of a first dielectric material and a second dielectric material ... , ... a dielectric liner conformally deposited on a bottom wall of the first trench, a sidewall of the first trench, a sidewall of the second trench, and a bottom wall of the second trench, ... wherein the first and second air gaps within the first layered structure in each layer of first dielectric material are respectively bounded by the liner on the sidewall of the first and second trenches".

Based on the preceding argument, Applicants respectfully contend that Lee does not anticipate claim 31 and is in condition for allowance. Since claim 42 depends from claim 31, Applicants respectfully contend that claim 42 is likewise in condition for allowance.

**CONCLUSION**

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0456.

Date: 02/02/2006

Jack P. Friedman  
Jack P. Friedman  
Registration No. 44,688

Schmeiser, Olsen & Watts  
3 Lear Jet Lane, Suite 201  
Latham, New York 12110  
(518) 220-1850